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DEC 19 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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6 PROGRESSIVE FINANCIAL SERVICES, INC.

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10 UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 CAROL P. GUEVARRA, Individually and on  
14 behalf of all others similarly situated

15 Plaintiff,

16 v.

17 PROGRESSIVE FINANCIAL SERVICES, INC.,

18 Defendants.

19 Case No.: C 05 3466-JES VRW

20 JOINT STIPULATION AND [PROPOSED]  
21 ORDER STAYING MATTER PENDING  
22 RULING BY NINTH CIRCUIT

23 Plaintiff CAROL P. GUEVARRA and Defendant PROGRESSIVE FINANCIAL SERVICES,  
24 INC., through their respective counsel of record in this matter, and pursuant to Civ. L.R. 6-1, 6-2,  
25 and 16-2(d), (e), hereby stipulate to and request that the Court issue an order granting a stay of this  
26 case pending a ruling by the Ninth Circuit on the interlocutory appeal in the case of Camacho v.  
Bridgeport Financial, case no. C04 0478 CRB, venued in the United States District Court for the  
27 Northern District of California.

28 The sole issue in the pending Guevarra case is whether defendant complied with the Fair Debt  
Collection Practices Act, 15 U.S.C. § 1692g(a)(3), when the defendant wrote to plaintiff and stated:  
"Unless you notify this office in writing within 30 days after receiving this notice . . ."<sup>1</sup> (Complaint,  
¶ 9-10, 12.) Plaintiff contends that the statement should read: "Unless you notify this office within  
30 days after receiving this notice . . ."

29 <sup>1</sup> Plaintiff also alleges that the failure to comply with section 1692g(a)(3) constitutes a violation of 15  
30 U.S.C. § 1692e. (Complaint, ¶ 11, 13.)

1 This very issue is before the Ninth Circuit in the Camacho v. Bridgeport case, Ninth Circuit  
2 Court of Appeals case no. CIVIL 04-17126. At the district court level, Judge Breyer certified this  
3 issue for immediate interlocutory appeal, in part because there was a split of authority. (Camacho  
4 v. Bridgeport, case no. 04-478, slip op. (N.D. Cal. July 16, 2004) (case stayed pending ruling from  
5 the Ninth Circuit).) The Ninth Circuit granted the petition for an immediate interlocutory appeal,  
6 and the parties have fully briefed the issues. Oral argument before the Ninth Circuit was heard on  
7 November 18, 2005.

8 In light of the pending Camacho appeal which will be dispositive of the critical issue of  
9 statutory interpretation in this case, the parties seek to stay this case as the parties did in the  
10 Camacho case pending a ruling from the Ninth Circuit. Good cause exists to stay this matter  
11 pending a ruling from the Ninth Circuit in light of the expense to be incurred to litigating this matter  
12 under the current state of jurisprudence on this issue, and in light of the possibility that the Ninth  
13 Circuit may issue an opinion that would be dispositive of this case.

14 Pursuant to this stipulation, the parties respectfully and jointly request that the Court issue an  
15 order staying the above captioned matter in its entirety until such time as the Ninth Circuit issues its  
16 ruling on the pending appeal in the Camacho v. Bridgeport matter.

17  
18 Dated: 12/12/05

By J. D. Koper  
June D. Koper  
Attorneys for Defendant  
PROGRESSIVE FINANCIAL SERVICES, INC

19  
20 Dated: 12-12-05

By Irving Berg  
Irving Berg  
Attorneys for Plaintiff  
CAROL P. GUEVARRA

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.  
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19 DEC 2005

3 Dated: \_\_\_\_\_

4 Honorable Judge, U.S. District Court  
5 Northern District of California  
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